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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,189	11/12/2003	Andrew Rodney Ferlitsch	SLA1330	6153
7590	06/12/2006		EXAMINER	
Gerald W. Maliszewski P.O. Box 270829 San Diego, CA 92198-2829			SORRELL, ERON J	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/706,189	FERLITSCH, ANDREW RODNEY	
	Examiner	Art Unit	
	Eron J. Sorrell	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3,5-14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3,5-9,12-14,16-23 and 26-30 is/are rejected.
- 7) Claim(s) 10,11,24 and 25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/24/06 has been entered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13,14,19-22, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhogal et al. (US Pub. No. 2003/0002069 hereinafter "Bhogal").

4. Referring to claim 13, Bhogal teaches a system for managing printer selection in a network of connected printers, the system comprising:

a programmable administrative policy residing in a memory repository with a user interface (UI) to accept user-defined programmable preferences for the usage of network connected printers, cross-referenced to print job characteristics (see paragraphs 36 and 40 on pages 3 and 4); and,

a printer select module having an interface to accept determined characteristics for a print job, an interface for accessing the administrative policy, and an interface to direct the print job to a selected printer (see paragraph 44 on page 4).

5. Referring to claim 14, Bhogal teaches a plurality of printers, each having an interface, selected from the group including local, remote, and network-connections, to the print select module for receiving print jobs (see paragraph 35 on page 3).

6. Referring to claim 19, Bhogal teaches the system of claim further comprises:

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a client device print subsystem including a print driver, spooler, print processor, and port manager (see figures 2 and 3); and,

wherein the print select module resides in the client print subsystem and initiates the selection of a printer in response to a print subsystem activity selected from the group including accepting the print job at a print driver, spooling the print job, de-spooling the print job, post-processing the print job, post-processing the print job, and sending the print job to the port manager (see paragraphs 27-30 on page 3).

7. Referring to claim 20, Bhogal teaches the printer select module initiates the printer selection in response to print driver activity, and selects a printer in response to print job characteristics that are determined by the print driver (see paragraph 44 on page 4).

8. Referring to claim 21, Bhogal teaches the printer select module initiates the printer selection in response to spooler activity, and selects a printer in response to information derived from a print subsystem element chosen from the group including the spooler, print processor, and port manager (see paragraph 44).

9. Referring to claim 22, Bhogal teaches the administrative policy repository resides with the client (see paragraph 40 on page 4).

10. Referring to claim 26, Bhogal teaches the administrative policy has a UI for modifying specification-defined printer capabilities with user-defined printer usages (see paragraph 36 on page 36).

*Claim Rejections - 35 USC § 103*

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1,3,7,8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Kuwamoto et al. (U.S. Patent No. 5,617,518 hereinafter "Kuwamoto").

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13. Referring to claim 1, Bhogal teaches a method for managing printer selection in a network of connected printers (see figure 4), the method comprising:

changing specification-defined printer capabilities to user-defined printer usages at a user interface, by programming an administrative policy that cross-references user-defined preferences for the usage of network connected printers, to print job characteristics selected from the group including, the document processing application sourcing the print job, the document format, media, document complexity, color/BW, rendering, and content (see paragraph 37 on page 4).

accepting a print job (see paragraph 44 on page 4);  
determining characteristics of the print job (see paragraph 44 on page 4);

selecting a printer in response to a programmable administrative policy that cross-references user-defined usage criteria to print job characteristics (see paragraph 44 on page 4); and,

sending the print job to the selected printer (see paragraph 44 on page 4).

Bhogal teaches the method substantially as claimed, however Bhogal fails to explicitly set forth the limitation that the print job characteristics also include user identity, and client

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identity. Bhogal does state that the job characteristics are not limited to only what's listed (see paragraph 36 at page 4).

Kuwamoto teaches, in an analogous system, print job characteristics including user identity and client identity (see lines 35-56 of column 17).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bhogal with the above teachings of Kuwamoto in order to allow certain users to print to a specific printer and give the user more printing selection criteria.

14. Referring to claim 3, Bhogal teaches the method further comprises:

accepting a pre-determined matrix cross-referencing specification-defined printer capabilities to print job characteristics, for at least one printer in a network of connected printers (see paragraph 37 on page 4).

15. Referring to claim 7, Bhogal teaches The method of claim 1 wherein accepting a print job includes accepting the print job at a client print subsystem (see paragraph 44 on page 4); the method further comprising:

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generating a print subsystem activity selected from the group including accepting the print job at a print driver, spooling the print job, despooling the print job, post-processing the print job, and sending the job to the port manager (see page 44 on page 4); and,

wherein selecting a printer in response to a programmable administrative policy includes initiating the printer selection in response to a print subsystem activity (see page 44 on page 4).

16. Referring to claim 8, Bhogal teaches selecting a printer in response to a programmable administrative policy includes accessing the administrative policy stored in a client-side repository (see paragraph 40 on page 4).

17. Referring to claim 16, Bhogal teaches the administrative policy is responsive to print job characteristics selected from the group including, the document processing application sourcing the print job, the document format, media, document complexity, color/BW, rendering, and content (see paragraph 37 on page 4).

Bhogal fails to explicitly set forth the limitation that the print job characteristics also include user identity, and

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client identity. Bhogal does state that the job characteristics are not limited to only what's listed (see paragraph 36 at page 4).

Kuwamoto teaches, in an analogous system, print job characteristics including user identity and client identity (see lines 35-56 of column 17).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bhogal with the above teachings of Kuwamoto in order to allow certain users to print to a specific printer and give the user more printing selection criteria.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Applicant's Admitted Prior Art (AAPA).

19. Referring to system claim 17, Bhogal fails to teach programming an administrative policy includes establishing an administrative policy that secondarily cross-references print job characteristics to printer environment conditions selected from the group including printer availability, printer loading, specification-defined speed, printer capabilities, job scheduling, and printer locality.

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At pages 1 and 2 of the specification of the instant application, the applicant admits that cross-referencing print job characteristics to printer environment conditions selected from the group including printer availability, printer loading, specification-defined speed, printer capabilities, job scheduling, and printer locality is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Bhogal with the above teachings from AAPA. One of ordinary skill in the art would have been motivated to make such modification in order to automate the process of printer selection as suggested by the applicant (see lines 12-16 of page 1) and to make the selection based on real-time statuses of the printers.

20. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Owa et al. (U.S. Pub No. 2001/0043357 hereinafter "Owa").

21. Referring to system claim 18, Bhogal teaches programming an administrative policy includes establishing an administrative policy that prompts an action, selected from the group including

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creating a user interface (UI) to request additional selection criteria, and creating a UI for the manual selection of a printer (see paragraph 45 on page 5).

Bhogal fails to teach the user is prompter in response to not matching print job characteristics, and the group further includes canceling the print job.

Owa teaches, in an analogous system the above limitation (see paragraphs 111 and 112 of page 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Bhogal with the above teachings of Owa in order to allow the user to approve or deny the automatically selected printer as suggested by Owa (see paragraphs 111-112 on page 7).

22. Claim 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Vidyanand (U.S. Patent No. 6,967,728).

23. Referring to system claim 23, Bhogal fails to teach a network server including a repository with a master administrative policy; and

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wherein the client repository receives and receives and stores administrative policy distributed by the network server repository.

Vidyanand teaches, in an analogous system, the above limitations (see lines 46-61 of column 11).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Bhogal with the above teachings of Vidyanand. One of ordinary skill in the art would have been motivated to make such modification in order to share the policies with different users as suggested by Vidyanand (see lines 33-35 of column 5).

24. Referring to claim 27, Bhogal fails to teach a network server, wherein the print select module resides in the network server and initiates the selection of a printer in response to accepting the determined job characteristics, and wherein the administration policy resides in the network server.

Vidyanand teaches, in an analogous system, the above limitations (see lines 46-61 of column 11).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Bhogal with the above teachings of Vidyanand. One

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of ordinary skill in the art would have been motivated to make such modification for the same reasons and mentioned above.

25. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Ueda et al. (U.S. Patent No. 7,046,383 hereinafter "Ueda").

26. Referring to claim 28, Bhogal teaches a system for managing printer selection in a network of connected printers, the system comprising:

a programmable administrative policy residing in a memory repository with a user interface (UI) to accept user-defined programmable preferences for the usage of network connected printers, cross-referenced to print job characteristics (see paragraphs 36 and 40 on pages 3 and 4); and,

a printer select module having an interface to accept determined characteristics for a print job, an interface for accessing the administrative policy, and an interface to direct the print job to a selected printer (see paragraph 44 on page 4).

Bhogal fails to teach selecting the printer based on a cost.

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Ueda teaches, in an analogous system, the above limitation (see lines 48-62 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Bhogal with the above teachings Ueda. One of ordinary skill in the art would have been motivated to make such modification in order provide the most cost-effective solution as suggested by Ueda (see lines 43-55 of column 1).

27. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Kuwamoto as applied to claim 1 above, and further in view of Applicant's Admitted Prior Art (AAPA).

28. Referring to method claim 5, the combination of Bhogal and Kuwamoto fails to teach programming an administrative policy includes establishing an administrative policy that secondarily cross-references print job characteristics to printer environment conditions selected from the group including printer availability, printer loading, specification-defined speed, printer capabilities, job scheduling, and printer locality.

At pages 1 and 2 of the specification of the instant application, the applicant admits that cross-referencing print

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job characteristics to printer environment conditions selected from the group including printer availability, printer loading, specification-defined speed, printer capabilities, job scheduling, and printer locality is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bhogal and Kuwamoto with the above teachings from AAPA. One of ordinary skill in the art would have been motivated to make such modification in order to automate the process of printer selection as suggested by the applicant (see lines 12-16 of page 1) and to make the selection based on real-time statuses of the printers.

29. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Kuwamoto as applied to claim 1 above, and further in view of Owa et al. (U.S. Pub No. 2001/0043357 hereinafter "Owa").

30. Referring to method claim 6, Bhogal teaches programming an administrative policy includes establishing an administrative policy that prompts an action, selected from the group including

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creating a user interface (UI) to request additional selection criteria, and creating a UI for the manual selection of a printer (see paragraph 45 on page 5).

The combination of Bhogal and Kuwamoto fails to teach the user is prompter in response to not matching print job characteristics, and the group further includes canceling the print job.

Owa teaches, in an analogous system the above limitation (see paragraphs 111 and 112 of page 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bhogal and Kuwamoto with the above teachings of Owa in order to allow the user to approve or deny the automatically selected printer as suggested by Owa (see paragraphs 111-112 on page 7).

31. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Kuwamoto as applied to claims 1 above, and further in view of Vidyanand (U.S. Patent No. 6,967,728).

32. Referring to method claim 9, the combination of Bhogal and Kuwamoto fails to teach accepting the administrative policy,

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distributed from a network policy server, and storing the administrative policy in a client repository.

Vidyanand teaches, in an analogous system, the above limitations (see lines 36-45 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bhogal and Kuwamoto with the above teachings of Vidyanand. One of ordinary skill in the art would have been motivated to make such modification in order to share the policies with different users as suggested by Vidyanand (see lines 33-35 of column 5).

33. Referring to method claim 12, the combination of Bhogal and Kuwamoto fails to teach selecting a printer in response to a programmable administrative policy stored in a network server repository in response to receiving the print job at the network server (see lines 46-61 of column 11).

Vidyanand teaches, in an analogous system, the above limitations (see lines 36-45 of column 5).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bhogal and Kuwamoto with the above teachings of Vidyanand. One of ordinary skill in the art would have been

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motivated to make such modification for the same reasons as mentioned above (see lines 33-35 of column 5).

34. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Ueda as applied to claims 28 above, and further in view of Kuwamoto.

35. Referring to claim 29, the combination of Bhogal and Ueda teaches the administrative policy is responsive to print job characteristics selected from the group including, the document processing application sourcing the print job, the document format, media, document complexity, color/BW, rendering, and content (see Bhogal paragraph 37 on page 4).

The combination of Bhogal and Ueda fails to explicitly set forth the limitation that the print job characteristics also include user identity, and client identity. Bhogal does state that the job characteristics are not limited to only what's listed (see paragraph 36 at page 4).

Kuwamoto teaches, in an analogous system, print job characteristics including user identity and client identity (see lines 35-56 of column 17).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the

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combination of Bhogal and Ueda with the above teachings of Kuwamoto in order to allow certain users with to print to a specific printer and give the user more printing selection criteria.

36. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bhogal in view of Ueda as applied to claims 28 above, and further in view of Applicant's Admitted Prior Art (AAPA) .

37. Referring to claim 30, the combination of Bhogal and Ueda fails to teach programming an administrative policy includes establishing an administrative policy that secondarily cross-references print job characteristics to printer environment conditions selected from the group including printer availability, printer loading, specification-defined speed, printer capabilities, job scheduling, and printer locality.

At pages 1 and 2 of the specification of the instant application, the applicant admits that cross-referencing print job characteristics to printer environment conditions selected from the group including printer availability, printer loading, specification-defined speed, printer capabilities, job

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scheduling, and printer locality is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combination of Bhogal and Ueda with the above teachings from AAPA. One of ordinary skill in the art would have been motivated to make such modification in order to automate the process of printer selection as suggested by the applicant (see lines 12-16 of page 1) and to make the selection based on real-time statuses of the printers.

***Allowable Subject Matter***

38. Claims 10,11,24,25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

39. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest alone or in combination a network repository that includes print drivers and path information, that are sent to a client repository along with an administrative print selection policy used to select a printer from a network of

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connected printers, in combination with the other recited claim limitations.

*Response to Arguments*

40. Applicant's arguments with respect to claims 1,13, and 28 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J. Sorrell whose telephone number is 571 272-4160. The examiner can normally be reached on Monday-Friday 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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EJS  
June 6, 2006



KIM HUYNH  
SUPERVISORY PATENT EXAMINER  
*6/8/06*